IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: March 9th, 2007

\+ **W.P.(C).No.12914/2006**

Jugvir Inder Singh ..... PETITIONER
Through: In person.

VERSUS

Union of India ..... RESPONDENT
Through: Ms.Monika Garg, Advocate.

CORAM :-

*** HON'BLE MR. JUSTICE ANIL KUMAR**

1. Whether reporters of Local papers may be allowed to see the judgment?

2. To be referred to the reporter or not ?

3. Whether the judgment should be reported in the Digest?

ANIL KUMAR, J. (Oral)

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CM No.2672/2007 in WP(C) No.12914/2006

Allowed subject to all just exceptions.

CM No.2673/2007

This is an application for condonation of delay in filing the review application. For the reasons stated in the application, delay in filing the review application is condoned and the application is allowed.

RP No.79/2007

This is an application by the applicant for review of order dated 18th August, 2006 and for restoration of the civil writ.

The petitioner had filed the writ petition No.12914/2006 seeking immediate occupation of possession of his entire house at B-21, West End, Diplomatic Enclave, New Delhi-110021 and the relief that any person trying to gain entry to the said premises should be arrested immediately.

The property was under the tenancy of Malaysian Embassy and an earlier petition was also filed by the petitioner being WP(C) No.9083/2006 titled Jugvir Inder Singh Vs.UOI contending that he has a fundamental right to have his property which is being infringed and he is not in a position to reside in his own home vide a civil suit for ejectment of the Malaysian Embassy from his property is pending. The writ petition filed by the petitioner earlier was dismissed holding that it is for the Civil Court which could decide whether the Malaysian Embassy is to be evicted or not. Thereafter petitioner filed the writ petition No.12914/2006. When the said writ petition was filed the Malaysian Embassy had already evicted the premises and the writ petition was dismissed holding that it is for the petitioner to approach the Civil Court to recover the possession from the Malaysian Embassy or any other person who is in unlawful possession of the premises and, therefore, it was held that there are no grounds for interference under Article 226 of the Constitution of India. Against the dismissal

of his writ petition by order dated 18th August, 2006 petitioner filed a review petition being review petition No.319/2006 contending that Malaysian Embassy had evicted the premises and the respondent, Union of India and the deputies of the Ministries have taken possession of the keys and are denying entry to the petitioner.

In Suit No.362/06/1991 by a judicial order Sh.Inderjit Singh, Additional District Judge had handed the keys of the premises to the Local Commissioner and the receiver which order was passed with the consent of the petitioner and the Registrar General of Delhi High Court who was appointed as an interim receiver by order dated 2nd March, 2001 which order was confirmed by subsequent order dated 30th October, 2001.

The order dated 28th July, 2006 was noticed by this Court and considering the facts and circumstances it was inferred that the keys of the property No.B-21, West End Diplomatic Enclave Extension, New Delhi is with the Local Commissioner appointed by the Civil Court pursuant to order dated 28th July, 2006 and not with the respondent, Union of India and consequently it was held that there was no error apparent in the order dated 18th August, 2006 dismissing the writ petition of the petitioner and, therefore, the review petition No.319/2006 was also dismissed by order dated 8th November, 2006.

Now by the present review petition the petitioner is again seeking

review of order dated 18th August, 2006 on the same grounds which were raised in the earlier review petition.

It is no more res integra that power of the Court to review its judgment under Order 47 Rule 1 is extremely remitted and an error which is not self evident and has to be deducted by a process of reasoning can hardly be an error apparent on the face of the record. Under Order 47 Rule 1 of the Code of Civil Procedure it is not permissible for an erroneous decision to be reheard and corrected. Since a review petition has a limited purpose and cannot be allowed to become an appeal in disguise. In any case in the totality of facts and circumstances there is no error apparent on the face of the record. The keys of the premises are with the Local Commissioner/receiver appointed by the Civil Court in a civil suit. In Suit No.362/06/91 the petitioner and Sh.Gurvir Inder Singh were restrained from trespassing into the property and it was agreed by all the parties having interest in property in dispute that the said property be preserved since various litigations are pending adjudication.

In the circumstances there are no grounds to review the order dated 18th August, 2006 dismissing the writ petition of the petitioner. The application for review is, therefore, dismissed.

Dasti.

March 09, 2007 **ANIL KUMAR, J.**

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